

FILED
12/11/2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

RECEIVED

MAY 30 2017 EAA

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Marcus Thomas
49950-424

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case
(To

17c 4090

Judge John Robert Blakey
Magistrate Judge Mary M. Rowland
PC 8

Chicago Police Department
Officer Barry Cunningham,
Officer Kevin Graczy,
Officer D. Blanchard,
Officer George Anaya
Officer Joseph Ramirez

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)

☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)

☐ **OTHER** (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

Continue of Pg. 1

Plaintiff

- VS -

Defendants

Defendants

Officer, Andrew Hamick

Officer, Jonathan Jones

Officer, Christopher Bratek

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

I. Plaintiff(s):

- A. Name: Marcus Thomas
- B. List all aliases: None
- C. Prisoner identification number: 49950-424
- D. Place of present confinement: Metropolitan Correctional Center (Chicago)
- E. Address: 71 W. VanBuren Street, Chicago, Illinois 60605

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Barry Cunningham
Title: Chicago Police Officer
Place of Employment: C15 District 7 5701 W. Madison
- B. Defendant: Kevin Graney
Title: Chicago Police Officer
Place of Employment: C15 District 7 5701 W. Madison
- C. Defendant: D. Blanchard
Title: Chicago Police Officer
Place of Employment: C15 District 7 5701 W. Madison

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Continue of Defendants

pg. 2

II Defendants

D. Defendant: George Anaya

Title: Chicago Police officer

Place of Employment: (15 District) 5701 W. Madison

E. Defendant: Joseph Ramirez

Title: Chicago Police officer

Place of Employment: (15 District) 5701 W. Madison

F. Defendant: Andrew Hamick

Title: Chicago Police officer

Place of Employment: (15 District) 5701 W. Madison

G. Defendant: Jonathan Janas

Title: Chicago Police officer

Place of Employment: (15 District) 5701 W. Madison

H. Defendant: Christopher Bratek

Title: Chicago Police officer

Place of Employment: (15 District) 5701 W. Madison

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: None
- B. Approximate date of filing lawsuit: None
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: None
- D. List all defendants: None
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): None
- F. Name of judge to whom case was assigned: None
- G. Basic claim made: None
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): None
- I. Approximate date of disposition: None

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On June 25, 2015, I the plaintiff Marcus Thomas # 49950-424 was riding a bicycle near the intersection of Congress Parkway and Lotus Avenue when a unmarked Ford truck drove up and officer Cunningham exited the vehicle with his gun out and shouted for me (I the plaintiff) to freeze. I the plaintiff then got off of the bicycle and began to flee away from officer Cunningham. As I ran away I turned northbound between two residential homes. It was that time I decided to stop ~~running~~ running. Seconds later officer Cunningham appeared still with his weapon drawn, he ordered me to put my hands up in the air which I did immediately. After seeing my hands in the air officer Cunningham ordered for me to lay on the ground which I also did. I was then placed

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

in handcuffs by officer Cunningham in the presence of officer Hemick, I was then asked by officer Cunningham "where did you throw the gun" which I told officer Cunningham "I don't have a gun". After hearing my response officer Cunningham then kicked me in my face while I was lying down on my stomach face down on the ground ~~at~~ which resulted in my right eye being split open and left bleeding. He then shouted "stop lying, we saw you on camera dumb ass". Again in the presence of officer Hemick along with officer Grady, neither officers reported officer Cunningham kicking me in the face. I was taken into custody and transported to District 15 police headquarters by officer Blanchard and officer Anaya. I was placed in a interview room with no camera or recording device were I asked to get some medical attention from my arresting officers, which they all ignored and while waiting in the interview room officer Cunningham, officer Jones,

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Continue of Statement of claim:

and officer Ramirez came into the interview room and saw my eye bleeding so I asked them to get me some attention again which they ignored me as well but one of the officers, I don't recall his name because of the blood running down my face, but one of the three officers decided to unhandcuff me and take me to a sink outside of the interview room to wash the blood out of my eye. I don't fully recall which of ~~them~~ the three officers took me to the sink. After washing the blood out of my eye I was given napkins to place over my eye then taken back into the interview room. After failed attempts to stop the bleeding I asked several times for medical attention which I was denied for the third time or fourth time. Inside of my arrest report under Visual check of arrestee they ~~are~~ are asked: is there obvious pain or injury? That question was answered no. There was obvious pain and injury with my eye bleeding and blood on my shirt. Also the visual of my eye split open on my mugshot picture.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like to be awarded four hundred thousand
dollars for punitive damage also one hundred thousand
dollars for punitive, pain and suffering / mental Deterioration
plus all costs incurred during civil suit, including
attorney's fees, service fees, ect.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this May day of 4, 20 17

Marcus Thomas
(Signature of plaintiff or plaintiffs)

Marcus Thomas
(Print name)

49950-424
(I.D. Number)

71 W. Van Buren Street, Chicago Illinois 60605
(Address)